

Hon. Barbara Rothstein

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JAMES and SHAYLEE MEDICRAFT,
husband and wife and the marital
community thereof, themselves and on
behalf of their minor children: J.M., A.M.,
E.M., M.M. and N.M.,

Plaintiffs,

v.

THE STATE OF WASHINGTON, et al.,

Defendants.

NO. 2:21-cv-01263-BJR

ORDER GRANTING
STIPULATED MOTION FOR
PROTECTIVE ORDER AS TO
DEPENDENCY GUARDIAN AD
LITEM RECORDS

THIS MATTER has come before the Court on Defendants, the State of Washington, Department of Children Youth and Families (DCYF); Tanessa Sanchez and John Doe Sanchez; Tabitha Culp and John Doe Culp; Elizabeth Sterbick and John Doe Sterbick; Tabitha Pomeroy and John Doe Pomeroy; Ross Hunter and Jane Doe Hunter; Bonnie White and John Doe White's Stipulated Motion for a Protective Order as to the Dependency Guardian ad Litem Records, said Defendants appearing through Robert W. Ferguson, Attorney General, and Assistant Attorneys General, Peter Kay; Tender Defense appearing through Paine Hamblen; Plaintiffs, appearing through their counsel, Nathan J. Arnold; Defendants Derek Leuzzi and Jane Doe Leuzzi, appearing through their counsel, Emma Gillespie and Kelsey Norman; Defendant Phoenix Protect Corp.,

1 appearing through their counsel, Eron Z. Cannon and Jesse C. Williams; Defendants Lufti Al
 2 Marfadi and Jane Doe Marfadi, appearing through their counsel, Holly Lynch and all parties
 3 having stipulated and the Court having considered the Stipulated Motion, and good cause
 4 appearing, now, therefore:

5
 6 **ORDERS and ADJUDGES** the following:

7 1. The Court granted Defendants' request to take the deposition of the King County
 8 Juvenile Court appointed Guardian ad litem for the above listed minor children in the
 9 dependency matter, Virginia Whalen, and to permit any subsequent trial testimony, as well as
 10 to release the applicable Guardian ad Litem Juvenile Court records subject to the entry of a
 11 stipulated protective order regarding these records.

12 2. RCW 13.50 establishes that Juvenile Court dependency records, including the
 13 records of a court appointed Guardian ad Litem for minor children under RCW 13.34, and files
 14 and information therein, are confidential and privileged.

15 3. The Court has ruled that documents and information Defendants seek through
 16 discovery are likely to lead to the discovery of admissible evidence in this case and should be
 17 provided, but that a Protective Order is necessary and appropriate to protect the confidentiality
 18 of the documents and information.

19 4. The applicable Guardian ad Litem Juvenile Court records regarding the above
 20 listed Plaintiffs, including the minor children Plaintiffs shall be produced under the following
 21 conditions:

22 5. The Guardian ad Litem shall produce copies of these King County Juvenile Court
 23 Guardian ad Litem files unredacted as to the names and personal information, including medical,
 24 psychological, mental health, and any related CPS referrals or law enforcement contacts of the
 25 following individuals:

26 a. Plaintiff James Medicraft, father;

b. Plaintiff Shaylee Medcraft, mother;

c. Minor Plaintiff J.M.;

d. Minor Plaintiff A.M.;

e. Minor Plaintiff E.M.;

f. Minor Plaintiff M.M.; and

g. Minor Plaintiff N.M.

6. The names and personal information of any non-party minor children shall be redacted;

7. The names of mandatory reporters shall be produced unredacted from referrals, while the identifying information of non-mandatory CPS referents shall be redacted;

8. Personal information of foster parents, if any, shall be produced redacted;

9. Information related to the welfare/child support files of the above listed Plaintiffs and minor Plaintiffs individuals shall be produced unredacted;

10. Non-party social security numbers and all attorney-client privileged and attorney work product information shall be redacted;

11. A privilege log shall be included in all productions noting documents redacted or withheld and the reasons therefore. No privilege log shall be required for withholding the names, personal identifying information, and social security numbers of CPS Referents, DCYF employees, non-party minors and non-party adults;

12. The contents and/or existence of the aforementioned documents and files and any part thereof or therein shall not be disclosed in any manner or form to any person and/or entities other than the parties, parties' attorneys, experts retained by the parties' attorneys, their staff, and individuals otherwise entitled to obtain said information pursuant to statutory exemptions from confidentiality and other individuals as herein provided.

15. Counsel for the parties shall use all documents and information produced or disclosed pursuant to this Protective Order solely for the purpose of preparation for and trial of this action. Under no circumstances shall information or materials covered by the Protective Order be disclosed to anyone other than as provided in the Protective Order. A copy of this Protective Order shall accompany any copy of the discovery records or information protected by the Protective Order and released to anyone. No attorney or expert shall disclose any information gained or derived from the aforementioned records to anyone without further order of the court unless the person to whom the information is disclosed is otherwise entitled to obtain said information pursuant to the Protective Order or to statutory exemptions from confidentiality.

Barbara J. Rothstein
BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE